

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR MIXING FLUIDS, SEPARATING FLUIDS, AND SEPARATING SOLIDS FROM FLUIDS**, the Specification of which:

☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

| PRIORITY APPLICATION(S) |           |              | Priority<br>Claimed |
|-------------------------|-----------|--------------|---------------------|
| (Number)                | (Country) | (Date Filed) | Yes/No              |
| (Number)                | (Country) | (Date Filed) | Yes/No              |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status)

(Application Serial No.) (Filing Date) (Status)

I hereby direct that all correspondence and telephone calls be addressed to GREGG A. DUFFEY, Howrey Simon Arnold & White, LLP, 750 Bering Drive, Houston, Texas 77057-2198, (713) 787-1400.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

|  |                                   |               |
|--|-----------------------------------|---------------|
| Inventor's Full Name:  | JOHNNY                            | ARNAUD        |
| Inventor's Signature:  | <i>Johnny Arnaud</i>              |               |
| Country of Citizenship:  | US                                | Date: 6/12/01 |
| Residence Address:<br>(street, number, city, state,<br>and/or country) | 309 Princess<br>Houston, TX 77034 |               |
| Post Office Address:<br>(if different from above)                      |                                   |               |

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Hydrotreat, Inc. (the "Assignee"), having a place of business at 12311 Amelia, Houston, TX 77045, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith and is entitled "**METHOD AND APPARATUS FOR MIXING FLUIDS, SEPARATING FLUIDS, AND SEPARATING SOLIDS FROM FLUIDS**" such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Johnny Arnaud  
Name: JOHNNY ARNAUD

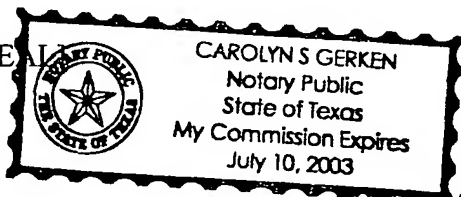
Date: 6/12/01

STATE OF TEXAS )  
COUNTY OF HARRIS ) ss.

BEFORE ME, the undersigned authority, on this 12 day of JUNE, 2001, personally appeared JOHNNY ARNAUD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Carolyn S Gerken  
Notary or Consular Officer

[SEAL]



750 Bering Drive  
Houston, Texas 77057-2198

HOWREY, SIMON ARNOLD & WHITE, LLP

1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
JOHNNY ARNAUD

Serial No.: Unassigned

Filed: CONCURRENTLY HEREWITH

For: METHOD AND APPARATUS FOR  
MIXING FLUIDS, SEPARATING  
FLUIDS, AND SEPARATING SOLIDS  
FROM FLUIDS S

Group Art Unit: Unassigned

Examiner: Unassigned

Atty. Dkt. No.: 11284.0029.NPUS00

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Gregg A. Duffey, Reg. No. 42,501; Rodney K. Caldwell, Reg. No. 26,152; Mark  
L. Gleason, Reg. No. 39,998; and J. Paul Williamson, Reg. No. 29,600;

each an attorney or agent of the firm of HOWREY SIMON ARNOLD & WHITE, LLP, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Hydrotreat, Inc., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

GREGG A. DUFFEY  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

ASSIGNEE:  
HYDROTREAT, INC.

By: Johnny Arnaud  
Name: JOHNNY ARNAUD  
Title: DIRECTOR  
Date: 6/12/01

ASSIGNMENT:

- ☒ Concurrently filed  
☐ Previously recorded

Date:

Reel: -

Frames: \_ \_

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
JOHNNY ARNAUD

Serial No.: Unassigned

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For: METHOD AND APPARATUS FOR  
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Examiner: Unassigned

Atty. Dkt. No.: 11284.0029.NPUS00

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR §§ 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐

the owner of the small business concern identified below:

☒

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Hydrotreat, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 12311 Amelia  
Houston, Texas 77045

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an

independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature:

*Johnny Arnaud*  
Name: JOHNNY ARNAUD  
Title: DIRECTOR

DATE:

*6/12/01*